

DISPATCHCLASSIFICATION
S-E-C-R-E-T

PROCESSING ACTION

TO

Chiefs of Stations and Bases

INFO.

FROM

25X1

SUBJECT

Chief, [REDACTED]

Contract Employees

MARKED FOR INDEXING

X

NO INDEXING REQUIRED

ONLY QUALIFIED DESK
CAN JUDGE INDEXING

MICROFILM

ACTION REQUIRED - REFERENCES

REFERENCE

[REDACTED] dated 17 November 1964 Action Required: None; Information Only

1. We have received several requests for clarification of paragraph 5 of [REDACTED] as it relates to "Holiday Pay" for contract employees. Since there appears to be some confusion on this point, the following additional information is offered for your guidance.

2. If a contract employee, whether full-time or part-time, has a regularly scheduled tour of duty (i.e., pre-established workdays and duty hours within the workweek when he is required to be on duty regularly) and an [REDACTED] holiday coincides with one of his regularly scheduled workdays, he is entitled to compensation for that day in accordance with the following:

a. If he performs no actual work on that day, he is entitled to compensation at his regular pay rate for the number of hours which his schedule prescribed for him to work on that day.

b. If he is directed to (and does in fact) work on that day, his amount of compensation is dependent upon whether the directed hours of duty fall within or outside of the duty hours which his regular schedule prescribed for him to work on that day, and is determined as follows:

(1) For each hour of directed work which falls within his regular duty hours for that day, he is entitled to compensation at twice his regular hourly pay rate.

(2) For each hour of directed work which falls outside of his regular duty hours for that day, he is entitled to compensation at:

(a) His regular hourly pay rate for each hour which does NOT cause his total hours to exceed 40 for the workweek; or

(b) One and one-half times his regular hourly pay rate for each hour which is in excess of 40 hours for the workweek.

25X1

3. The provisions of paragraph 2 apply only to [REDACTED] holidays. If a local holiday (which is not also an [REDACTED] holiday) falls on a contract employee's

CROSS REFERENCE TO

DISPATCH SYMBOL AND NUMBER

DATE

27 April 1965 25X1

CLASSIFICATION

S-E-C-R-E-T

GROUP

HQS

FILE NUMBER

 GROUP
 HQS
 FILE NUMBER
 DISPATCH SYMBOL AND
 NUMBER

CONTINUATION OF
DISPATCHCLASSIFICATION
S-E-C-R-E-T

DISPATCH SYMBOL AND NUMBER

25X1

regularly scheduled workday, he is entitled to compensation at his regular pay rate for the number of hours which his schedule prescribed for him to work on that day, regardless of whether he performed duties during those hours or was excused from duty by his superior.

4. A contract employee who does NOT have a regularly scheduled tour of duty is considered to be in a when-actually-employed (WAE) status. Any individual employed on a WAE basis is entitled to compensation at his regular pay rate only for the number of hours actually worked, regardless of whether the hours worked fall on an holiday or whether the total number of hours in a given workweek exceed forty. Hence, a contract employee on a WAE basis is not entitled to overtime compensation or to premium pay for holiday work.

25X1

5. The following examples show the application of these rules and reflect the method of computing the pay for a contract employee who works on an holiday:

EXAMPLE A

Mrs. A is a contract employee, working as a Clerk-Stenographer at a rate of \$2.40 per hour. Because of other responsibilities, she can work only on a part-time basis. She agrees to work 20 hours per week, with regularly scheduled working hours of 0800 to 1200, Monday through Friday.

In one particular week, Mrs. A starts off by working her normal tour on Monday. On Tuesday, however, she had to take her baby to the doctor during the morning, so she took four hours annual leave and then worked four hours during the afternoon. Wednesday was again a normal tour. Thursday was an holiday so she had not planned to work; at mid-morning, however, she was requested to report for duty, and she worked four hours. On Friday she worked her normal tour and was then asked to come back to work after lunch to help finish a rush project. As a result, a tabulation of her actual work performance looks like this:

Monday	0800-1200	4 hours
Tuesday	1300-1700	4 hours
Wednesday	0800-1200	4 hours
Thursday	1000-1400	4 hours
Friday	0800-1200 & 1300-1700	8 hours
TOTAL		24 hours of actual work

Mrs. A's compensation for that week is based in part on hours of actual work performed and in part on hours in a duty status, and is figured as follows:

		No. Hours	Hrly. Rate	Amount	Remarks
Monday	0800-1200	4	\$2.40	\$ 9.60	Regular Tour
Tuesday	0800-1200	4	2.40	9.60	Annual Leave
"	1300-1700	4	2.40	9.60	Straight-Time Pay
Wednesday	0800-1200	4	2.40	9.60	Regular Tour
Thursday	0800-1000	2	2.40	4.80	Time Off with Pay
					Due to Holiday
					(see para 2.a. above)
"	1000-1200	2	4.80	9.60	Double-Time Pay for
					Work on Holiday
					(see para 2.b.(1) above)
"	1200-1400	2	2.40	4.80	Straight-Time Pay
					(see para 2.b.(2) above)
Friday	0800-1200	4	2.40	9.60	Regular Tour
"	1300-1700	4	2.40	9.60	Straight-Time Pay
TOTAL		30 Hours	TOTAL	\$76.80	Gross Pay

CONTINUATION OF
DISPATCH

S-E-C-R-E-T

25X1

Thus, Mrs. A performs actual work for 24 hours but is in a duty status for 30 hours. The 6 extra hours consist of 4 hours of annual leave and 2 hours time off with pay on a holiday. No overtime work or rate is involved since Mrs. A was not in a duty status for more than 40 hours during the week.

EXAMPLE B

Mr. B is a contract employee, working as a Clerk at a rate of \$1.93 per hour. He can work only on a part-time basis, but agrees to work 24 hours per week, with regularly scheduled working hours of 0800 to 1700 on Mondays, Wednesdays, and Fridays (which includes one hour each day for lunch). 25X1

In a particular week, an [] holiday falls on Tuesday. If Mr. B works his regularly scheduled 24 hours, his gross compensation comes to \$46.32 (\$1.93 per hour times 24 hours). He would not be entitled to any extra compensation for the holiday, since it occurred on a day when he was not scheduled to work. Further, if Mr. B works his regularly scheduled 24 hours and in addition is directed to work 4 hours (0800-1200) on the Tuesday which is a holiday, his pay for each hour worked on the holiday is figured at the straight-time rate (\$1.93 per hour) rather than a double-time rate. The straight-time rate is applicable because Mr. B's regular work schedule prescribes that no duty is to be performed on Tuesday and, therefore, the hours worked necessarily fall outside of his regular duty hours for that day. (See paragraph 2.b.(2) above.) 25X1

In another week, an [] holiday falls on Wednesday. If Mr. B does not perform any duty on that day, he is entitled to his regular pay of \$15.44 for the day (\$1.93 per hour times 8 hours). If he is directed to perform up to 8 hours of actual work on that day between the hours of 0800 and 1700, he is entitled to compensation at a rate of \$3.86 (double-time) for each such hour worked. (Note that he cannot be given double-time pay for more than 8 hours on a holiday. In the event that more than 8 hours are actually worked, the time in excess of 8 hours is paid for at straight-time or overtime rates, as appropriate.)

EXAMPLE C

Mrs. C is a contract employee, working as a Clerk-Typist at a rate of \$2.15 per hour. Circumstances preclude her working on a full-time basis and she does not desire to be tied down with specified hours of duty. She agrees, however, that she will work approximately 20 hours per week. Thus, Mrs. C is considered a WAE employee. 25X1

During a given week an [] holiday falls on Thursday. If Mrs. C does not perform any duty on that day, she receives no pay for the day. If she is requested to report for work on the holiday and she puts in 4 hours' work, she is entitled only to 4 hours' pay at her straight-time rate of \$2.15 per hour; she does not receive any premium pay for having worked on an [] holiday. 25X1

FOR THE CHIEF, []

25X1

25X1

[]

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☒ SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

 (1 copy each)

FROM:

DDP-Publications

EXTENSION

NO.

DATE

26 April 1965

TO: (Officer designation, room number, and building)

25X1

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.